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Attorneys for the Department of Hawaiian Home Lands,
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IN THE UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF HAWAII

In re) Case No. 18-01319 (RJF)
PANIOLA CABLE COMPANY, LLC) (Chapter 11)
Debtor.)
) DECLARATION OF WILLIAM J.
) AILA, JR., CHAIRMAN OF THE
) HAWAIIAN HOMES
) COMMISSION, DEPARTMENT OF
) HAWAIIAN HOME LANDS
)

**DECLARATION OF WILLIAM J. AILA, JR.,
CHAIRMAN OF THE HAWAIIAN HOMES COMMISSION, DEPARTMENT
OF HAWAIIAN HOME LANDS**

I, WILLIAM J. AILA, JR., declare under penalty of perjury as follows:

1. I am the Chairman of the Hawaiian Homes Commission, and functionally the Director of the Department of Hawaiian Home Lands (the “Department”).
2. The Department is informed that there is a dispute between Hawaiian Telcom (“HT”) and Sandwich Isle Communications (“SIC”) concerning the use of the Paniolo Network. In particular, the Department is informed that HT has been unable to obtain SIC’s cooperation in surrendering possession of certain assets, providing information about the configuration and operation of the Paniolo Network, and in paying for the use of certain services now provided by HT through the Paniolo Network.
3. The Department is especially concerned because beginning on or about September 11, 2021 SIC began publicly stating that “phone, internet, and/or video services” would be impacted by the dispute and erroneously asserted that assets acquired by HT remain “subject to [the SIC] license.” These statements appear on the SIC website at www.sandwichisles.com.
4. The authority to permit use of Hawaiian home lands for telecommunication purposes vests solely with the Hawaiian Homes Commission.

5. It is vital that the beneficiaries and lessees of the Department have reliable, uninterrupted telecommunications services. This is not a matter of mere convenience. These are essential, critical services that connect thousands of individuals, businesses, government offices, schools and first responders across the State, many of whom are in remote locations. The COVID pandemic has further highlighted the critical nature of telephone, internet, and other broadband services to the delivery of education, health, financial and other services necessary to the well-being of the Department's beneficiary population.

6. The Department's intention has always been that telecommunication and broadband services on the home lands should be equal to or better than comparable services available off of the home lands. Further, cost for these services should not serve as a barrier to residents, businesses, and non-profits on Hawaiian home lands.

7. In 2017, the Federal Communications Commission ("FCC") issued an order determining that SIC and related parties had no right to enforce the so-called exclusivity provisions concerning Hawaiian home lands. Such provisions were deemed preempted and non-enforceable under Section 253(d) of the Communications Act, 47 USC Sec. 151 et seq. In light of these significant developments, the Department is gravely concerned that continued phone, internet and/or video services on the home lands is at risk, and/or will be provided at a

lower quality service level or a higher price point than what is available off of the home lands. To address this risk and maximize the options to lessees on Hawaiian home lands, telecommunications infrastructure that run on, in, or over Hawaiian home lands, including SIC's conduits and the Paniolo Network, should be open to all telecommunications providers licensed to provide services in the State of Hawaii, in accordance with Federal law.

8. The authority to permit use of Hawaiian home lands for telecommunication purposes vests solely with the Hawaiian Homes Commission.

9. This is not a hypothetical debate. It is a matter of exigent concern. Since September 11, the Department and its Commissioners have received hundreds of communications from beneficiaries and lessees concerned about the possibility that SIC will cease to provide services due to its dispute with HT. It is imperative that SIC cooperate with HT and other carriers to ensure that there is no disruption in services and to facilitate reasonable shared access to critical infrastructure.

10. The Department respectfully requests that the Court take additional, reasonable action in aid of its prior orders to prevent a disruption of essential telecommunications services on Hawaiian home lands and to preserve the integrity and value of the Paniolo Network.

DATED: Honolulu, Hawai'i, October 4, 2021.



WILLIAM J. AILA, JR.

Chairman, Hawaiian Homes Commission,
Department of Hawaiian Home Lands,
State of Hawai'i